



US00D666384S

(12) **United States Design Patent**
Schindler

(10) **Patent No.:** **US D666,384 S**
(45) **Date of Patent:** **** Sep. 4, 2012**

(54) **GARMENT**

(75) Inventor: **Heather Thomson Schindler**, New York, NY (US)

(73) Assignee: **Times Three Clothier, LLC**, New York, NY (US)

(**) Term: **14 Years**

(21) Appl. No.: **29/392,830**

(22) Filed: **May 26, 2011**

Related U.S. Application Data

(60) Continuation of application No. 29/350,290, filed on Nov. 13, 2009, now abandoned, which is a division of application No. 29/302,500, filed on Jan. 17, 2008, now Pat. No. Des. 606,285, said application No. 29/392,830 is a continuation of application No. 29/350,288, filed on Nov. 13, 2009, which is a division of application No. 29/302,500.

(51) **LOC (9) Cl.** **02-01**

(52) **U.S. Cl.** **D2/701**

(58) **Field of Classification Search** D2/700, D2/701, 702, 703, 706, 708, 714, 717, 718, D2/723, 731, 732, 756, 793, 800, 828, 840, D2/841, 847; 2/67, 69, 70, 73, 78.1, 78.2, 2/78.3, 104, 105, 109, 110, 112, 113; 66/176; 450/1, 3, 7, 10, 11, 15, 20, 30, 31, 34, 63, 450/64, 86, 94, 95, 96, 112, 115, 116, 122, 450/123, 124, 127, 132, 154

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

357,068 A 2/1887 Dalby
(Continued)

FOREIGN PATENT DOCUMENTS

DE G8513103.2 8/1985
(Continued)

OTHER PUBLICATIONS

Left-hand image on Contents page, "Self" magazine, Jan. 2006 issue. (2 pages).*

(Continued)

Primary Examiner — Karen E Eldridge Powers

(74) *Attorney, Agent, or Firm* — Stroock & Stroock & Lavan LLP

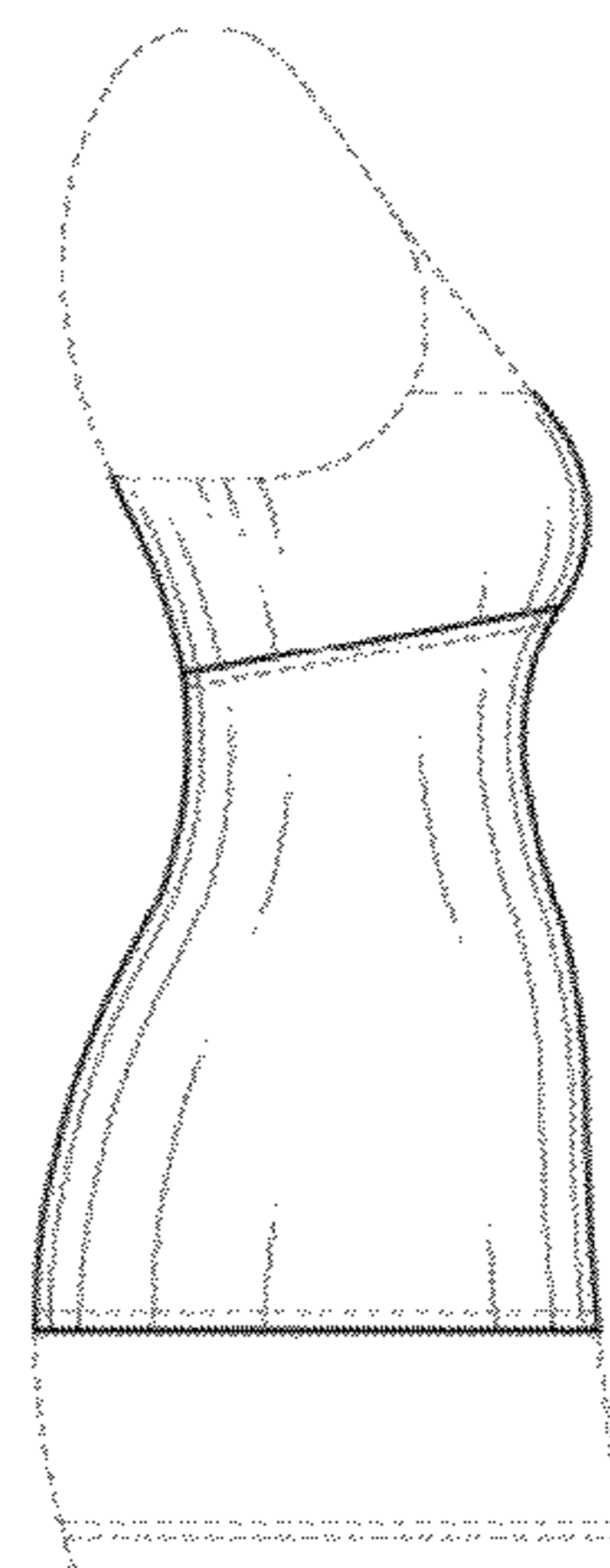
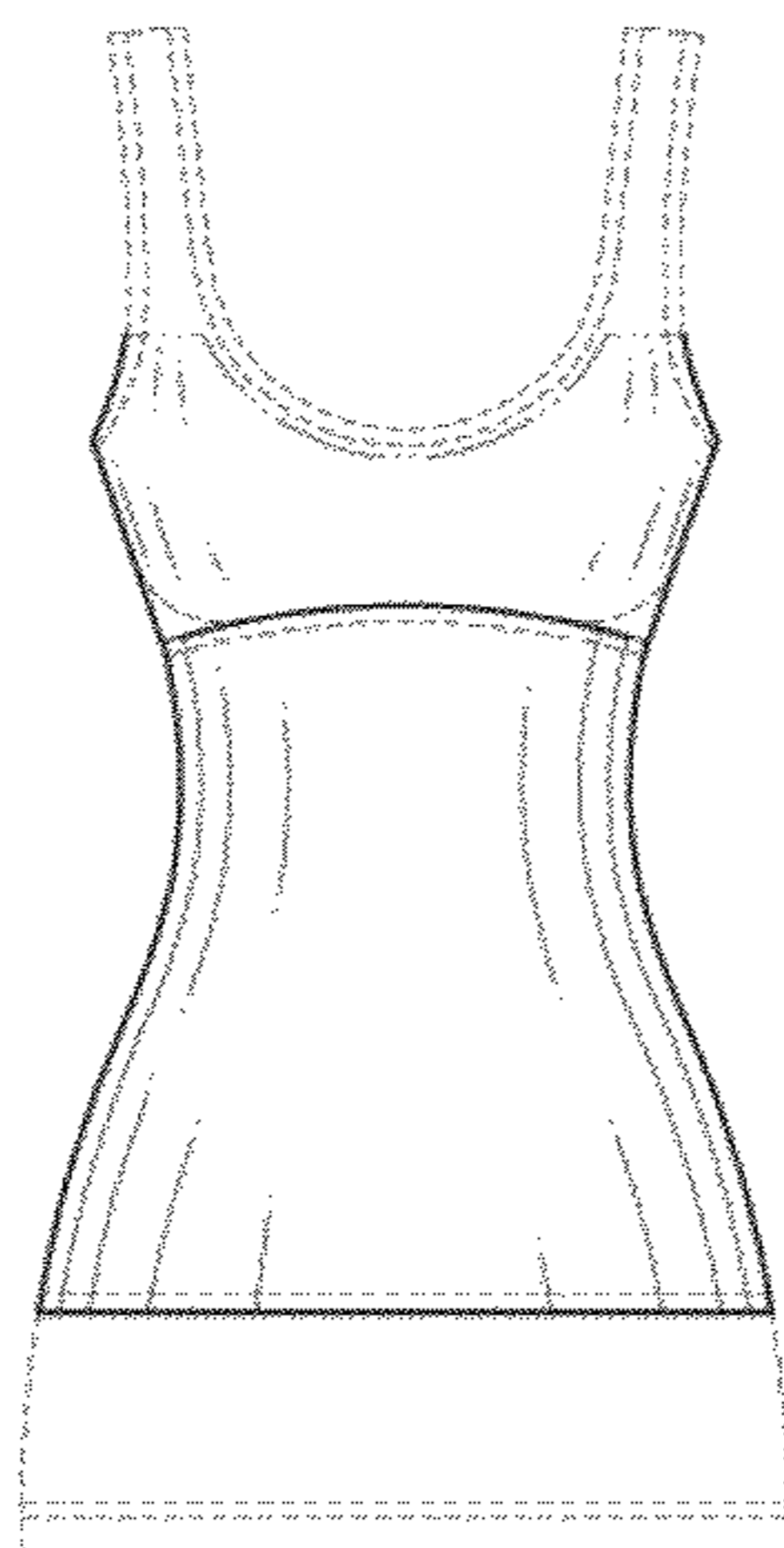
(57) **CLAIM**

I claim the ornamental design for a garment, as shown and described.

DESCRIPTION

This application is related to the following applications: U.S. Design application Ser. No. 29/362,414, filed on May 25, 2010 now U.S. Pat. No. D623,377, U.S. Design application Ser. No. 29/362,498, filed on May 26, 2010 now U.S. Pat. No. D622,477, U.S. Design application Ser. No. 29/350,198, filed on Nov. 12, 2009 now U.S. Pat. No. D616,627, the contents of each of the above applications are hereby incorporated by reference. FIG. 1 is a front elevation view of embodiment 1, of a garment; FIG. 2 is a rear elevation view thereof; FIG. 3 is a right elevation view thereof; FIG. 4 is a left elevation view thereof; FIG. 5 is a right side elevation view of embodiment 2, of a garment, where the front and rear elevation views are the same as FIGS. 1-2; and, FIG. 6 is a left elevation view of embodiment 2, of a garment. The dashed broken lines depicting stitching and the human form shown in the drawings are for environmental structure only and form no part of the claimed design. The dash-dot-dot-dash broken lines shown at the junction of the bodice with the sleeve and the interior of the bodice represent the bounds of the design and form no part of the claimed design.

1 Claim, 6 Drawing Sheets



US D666,384 S

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U.S. PATENT DOCUMENTS

570,696 A 11/1896 Brown
 709,200 A * 9/1902 Buckley 2/73
 933,739 A 9/1909 Bodensiek
 1,110,749 A 9/1914 De Blieux
 1,121,005 A 12/1914 Farnsworth
 1,191,865 A 7/1916 Workman
 1,249,446 A 12/1917 Mell
 1,683,510 A * 9/1928 Wiese 450/20
 1,774,613 A 9/1930 Pidgeon
 1,777,215 A 9/1930 McGill
 1,813,043 A 7/1931 Foreman
 1,886,049 A 11/1932 Rothblum
 D91,329 S 5/1933 Redman
 1,931,822 A 10/1933 Hoffman
 1,977,329 A 10/1934 Tobin
 2,033,456 A 3/1936 Cunningham
 2,040,058 A 5/1936 Mendel et al.
 2,040,657 A * 5/1936 Kops et al. 139/421
 2,052,935 A 9/1936 Moran
 2,076,748 A 4/1937 Schweig
 2,097,777 A 11/1937 Rothman
 D110,662 S 7/1938 Rielly
 D111,201 S * 9/1938 Imerman D2/723
 2,190,030 A 2/1940 Kops
 D128,536 S 7/1941 Weil
 D129,894 S 10/1941 Abeles
 2,274,382 A 2/1942 Richman
 2,310,103 A 2/1943 McDonald
 2,335,751 A * 11/1943 Friedman 2/73
 2,579,547 A 12/1951 Cadous
 D170,694 S 10/1953 Kahn
 D174,038 S 2/1955 Goldstein
 D174,114 S 3/1955 Dior
 D174,115 S 3/1955 Dior
 D174,194 S 3/1955 Prochaska
 D177,982 S 6/1956 Kahn
 2,963,022 A 12/1960 Spetalnik
 2,976,708 A * 3/1961 Gordon 66/176
 D191,347 S 9/1961 Herman
 3,026,875 A 3/1962 Kaupp
 3,036,574 A 5/1962 Jeffrey
 3,060,446 A 10/1962 Horne
 3,066,675 A 12/1962 Herman
 3,217,713 A 11/1965 Kunel
 D211,231 S 6/1968 Salisky
 3,421,513 A 1/1969 Landau
 3,422,818 A 1/1969 Erteszek
 3,454,013 A 7/1969 Cahill
 3,479,844 A 11/1969 Silvain
 3,490,449 A * 1/1970 Ewehvahn 450/155
 3,556,106 A 1/1971 Rosner
 3,582,993 A 6/1971 Keller
 3,699,590 A 10/1972 Webber et al.
 D234,649 S 4/1975 Lo Cascio
 D239,475 S 4/1976 Lo Cascio
 3,949,426 A 4/1976 George
 4,377,007 A 3/1983 Sudjian
 4,916,755 A 4/1990 Feigenbaum et al.
 4,976,653 A 12/1990 White
 5,083,316 A 1/1992 Kuehner
 5,094,648 A 3/1992 Turner
 5,461,725 A 10/1995 Witczak
 5,566,392 A 10/1996 Dzelzkalns
 5,605,060 A 2/1997 Osborne
 5,667,422 A * 9/1997 Erwin 450/30
 D391,740 S 3/1998 Barrington et al.
 D393,736 S * 4/1998 Rubin D2/717
 5,772,492 A * 6/1998 Erwin 450/30
 5,915,531 A 6/1999 Hilpert et al.
 6,000,993 A 12/1999 Erwin
 6,061,832 A 5/2000 Morrison
 6,185,741 B1 2/2001 Kehoe
 D452,600 S 1/2002 Kim
 D453,058 S 1/2002 Kim
 D453,255 S 2/2002 Kim
 6,430,748 B1 8/2002 Burkhart
 D476,464 S 7/2003 Jenkins
 6,766,533 B1 * 7/2004 Meier et al. 2/67

6,846,217 B1 1/2005 Struble et al.
 D521,712 S * 5/2006 Overby D2/717
 7,115,015 B2 * 10/2006 Horii et al. 450/33
 7,181,775 B2 * 2/2007 Carney 2/311
 D556,978 S 12/2007 Thunstedt
 7,395,557 B1 7/2008 Ledyard
 D595,480 S 7/2009 Giugliano
 RE41,654 E * 9/2010 Struble et al. 450/31
 7,878,881 B2 * 2/2011 Hendrickson 450/36
 7,900,276 B2 * 3/2011 Hendrickson et al. 2/237
 D644,411 S * 9/2011 Guerrier D2/703
 D644,412 S * 9/2011 Reuther D2/714
 2001/0054303 A1 * 12/2001 Browder, Jr. 66/171
 2004/0163159 A1 * 8/2004 Edwards et al. 2/338
 2006/0242748 A1 11/2006 Martz
 2007/0094765 A1 5/2007 Summers et al.
 2007/0118062 A1 * 5/2007 Fleck 602/75
 2008/0078208 A1 * 4/2008 Kronbach 66/171
 2008/0134409 A1 6/2008 Karasina
 2008/0244805 A1 10/2008 Griffin
 2009/0299258 A1 * 12/2009 Cureington-Sims 602/61
 2011/0061147 A1 * 3/2011 Welfeld 2/237

FOREIGN PATENT DOCUMENTS

DE 202005000716 U1 4/2005
 EP 0174179 3/1986
 EP 0774241 5/1997
 EP 1082951 3/2001
 EP 1125566 8/2001
 EP 000385562-0106 7/2005
 EP 000454202-0027 12/2005
 EP 000454202-0121 12/2005
 EP 000633755-0027 12/2006
 EP 000730403-0023 5/2007
 GB 116526 6/1918
 GB 212307 3/1924
 GB 1603600 11/1981
 GB 3020687 7/2005
 GB 4004524 10/2007
 JP 2-82707 6/1990
 JP 2001-172806 6/2001
 JP 2002-138302 5/2002
 JP 2003-129303 A 5/2003
 JP 2005-281893 A 10/2005
 JP 2006-316359 A 11/2006
 JP 2007-146337 A 6/2007
 JP 2007-303002 11/2007
 JP 2008-156812 A 7/2008
 WO 96/08217 3/1996
 WO 01/75201 10/2001

OTHER PUBLICATIONS

Cover and ad page picturing Serena Williams, "Lucky" magazine, Oct. 2003. (2 pages).*

Mila Kunis Magazine Cover, [on-line]; [downloaded from the Internet on May 5, 2012]; [cover identified is for Oct. 2003 issue]; URL: <http://www.whosdatedwho.com/tpx_1783/mila-kunis/magazinecovers_13>. (4 pages).*

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—/PRNewswire via COMTEX/ Aug. 10, 2011.

Associated Press, "Maidenform 2Q net income drops on settlement," Forbes.com (Aug. 10, 2011). http://www.forbes.com/feeds/ap/2011/08/10/business-specialized-consumer-services-us-earns-maidenform_8611962.html?partner=email-printed Aug. 12, 2011.

Maidenform's Responses and Objections to TTC's First Set of Requests for Production of Documents (Nos. 1-144)—Aug. 24, 2010.

Maidenform's Second Set of Requests for the Production of Documents and Things (Nos. 78-123)—Sep. 3, 2010.

Maidenform's Second Set of Interrogatories (Nos. 16-17)—Sep. 3, 2010.

Maidenform's First Supplemental Responses and Objections to TTC's First Set of Interrogatories—Sep. 10, 2010.

TTC's Responses to Maidenform's Second Set of Requests for Production (Nos. 78-123)—Oct. 12, 2010.

- TTC's Written Responses to Maidenform's Second Set of Interrogatories (Nos. 16-17). San Francisco Chronicle article—MF0001240-1242. Women's Wear Daily article—MF0001087-1088. Oct. 12, 2010.
- Maidenform's Responses and Objections to TTC's Supplemental First Set of Interrogatories (Nos. 1A-18A)—Nov. 26, 2010.
- I. Donner's Objections to Maidenform's Request for Production of Documents Included in the Subpoena to I. Donner—Feb. 22, 2011.
- Email from Christine Conforte to Heather Schindler "FW: Tummy Tee," sent Dec. 1, 2006.
- Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 13, 2006.
- Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 13, 2006.
- Email from Christine Conforte "Liz Lange," sent Dec. 11, 2006.
- Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 9, 2006.
- Email from Christine Conforte to Heather Schindler "Liz Lange," sent Dec. 7, 2006.
- Email from Heather Schindler to Christine Conforte "Liz Lange," sent Dec. 7, 2006.
- Email from Christine Conforte to Heather Schindler, "Liz Lange," sent Dec. 6, 2006.
- Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte, "Follow Up," sent Jan. 24, 2007.
- Email from Liz Lange to Heather Schindler copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.
- Email from Heather Schindler to Liz Lange copying Christine Conforte and Michelle Mooring, "Follow Up," sent Jan. 23, 2007.
- Email from Liz Lange to Heather Schindler copying Christine Conforte "Follow Up," sent Jan. 19, 2007.
- Email from Heather Schindler to Christine Conforte copying Michelle Mooring "FW: TummyTube," sent Jan. 31, 2007.
- Email from Christine Conforte to Heather Schindler copying Liz Lange "Tummy Tube," sent Jan. 30, 2011.
- Email from Heather Schindler to Liz Lange copying Michelle Mooring and Christine Conforte "TummyTube," sent Feb. 6, 2007.
- Email from Liz Lange to Heather Schindler and Christine Conforte "TummyTube," sent Feb. 2, 2007.
- Email from Heather Schindler to Christine Conforte copying Liz Lange "TummyTube," sent Feb. 2, 2007.
- Email from Christine Conforte to Heather Schindler copying Liz Lange "TummyTube," sent Jan. 30, 2007.
- "Style Spy," Lucky Magazine, p. 26, Jan. 2002 issue.
- LeCove swimwear catalog, p. 26 received by Applicant Aug. 24, 2010.
- JC Penney maternity catalog, p. 165 received by Applicant Aug. 24, 2010.
- WWD Intimates catalog, cover received by Applicant Aug. 24, 2010.
- "Fashion Q & A," Shape Magazine, p. 68. Jan. 2008 issue.
- Vogue Magazine, vol. 15, cover received by Applicant Aug. 24, 2010.
- "Self Selects," Self Magazine, p. 162. Jun. 2000 issue.
- "Do good while you shop," Lucky Magazine, p. 286. Oct. 2006 issue.
- "Photo Finish," WWD Intimates catalog. 2006.
- "Shapewear Report," In Style Magazine, pp. 338-346. Sep. 2007 issue.
- Self Magazine advertisements. Jun. 2007 issue.
- Self Magazine, p. 33. Dec. 2007 issue.
- "My best stress bust is . . .," Self Magazine, p. 200. Apr. 2002 issue.
- Times Three Clothier, LLC Sales Order No. 1000, Sales Order Date Apr. 30, 2007.
- Email from Ivan A. Saperstein to Heather Schindler copying Michelle Mooring and J. Schindler "Gatsby's" sent Jul. 20, 2007.
- Email from Heather Schindler to Ivan A. Saperstein copying Michelle Mooring and J. Schindler "Gatsby's" Jul. 20, 2007.
- Email from Ivan A. Saperstein to Michelle Mooring, Heather Schindler and J. Schindler "Gatsby's" Jul. 20, 2007.
- Invoice billed and shipped to Seams Beautiful-Carolyn Weaver, Invoice # 00006138, Aug. 11, 2006.
- Invoice billed and shipped to Seams Beautiful Carolyn Weaver, Invoice # 00006155, Aug. 25, 2006.
- Packing Slip to Seams Beautiful, Aug. 25, 2006.
- Maidenform v. Times Three Clothier LLC d/b/a Yummie Tummie, Case No. 10-cv-1661 (GBD)—Skinny Cami Declarations. pp. 1-118 (submitted in 9 parts) received by Applicant Dec. 14, 2010.
- Applicant's Specifications. pp 1-3 (submitted in 1 part) dated May 24, 2007-Jun. 11, 2007.
- Maidenform's Initial Disclosures—Jul. 9, 2010. pp. 1-13 (submitted in 1 part).
- Maidenform's Responses and Objections to TTC's First Set of Interrogatories (Nos. 1-18)—Aug. 24, 2010. pp. 1-12 (submitted in 1 part).
- Skinny Camisole Slimmer Corset Shaper Girdle, http://co103w.co1103.mail.live.com/mail/RteTrame_15.1.3059.0405.html?pf=pf (URL is incomplete). pp. 1-3 (submitted in 1 part) received by Applicant Aug. 24, 2010.
- Applicant's Tummy Tees. pp. 1-3 (submitted in 3 parts). 6Ba is Applicant's Tummy Tee early prototype sewn in Feb./Mar. 2005. 6Bb and 6Bc are photos of Applicant's production sample first received May 30, 2007.
- Gazelle Sleeveless Long Shirt, Adidas, www.shopadidas.com/product/index.jsp?productID=3847890&v2=y&cp=3748175.3 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Super Soft Slimmer Tank, MyShape, www.myshape.com/shop/style/11906?ci_sku=11906&utm_source . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Ann Michell Spaghetti Strap Tank Top Style 982, Lauren Silva, www.laurenosilva.com/Ann_Michell_Spaghetti_Strap_Camisole_Control_Shirt_p/an . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- New Marilyn Monroe Smoothing Camisole 7762, ebay, www.ebay.com/New-Marilyn-Monroe-Smoothing-Camisole-7762-28 . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Her Room, www.herroom.com/Nancy-Ganz-3313-The-Belly-Band-Convertible-Bodyvriefer.sht . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Nike Seamless Airborne Women's Long Tank Top, Nike, http://store.nike.com/us/en_us/?1=shop,pdp,ctr-inline/cid-1/pid-282277/pgid-238467 received by Applicant Aug. 24, 2010.
- Nike Fly Lightweight + Women's Sports Top, Nike, <http://clothing-and-accessories.become.com/nike-fly-lightweight-womens-sports-top-com> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Pretty Shapewear Camisole, SassyBax, www.sassybax.com/pretty-camisole.php received by Applicant Aug. 24, 2010.
- Underwire Torso Trim, SassyBax, www.sassybax.com/underwire_trim.php received by Applicant Aug. 24, 2010.
- The Torso Trim, SassyBax, www.sassybax.com/torso_trim.php received by Applicant Aug. 24, 2010.
- Belly Bra, JCPenney, www.jcpenney.com/jcp/X6.aspx?DeptID=51669&CatID=51669&Grptyp=Siz&Item . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Secret Sculptor Tunic, Shape Fx, www.shapefx.com/store/Shapewear_Shop_by_Category_Camis_Tanks_Se . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- The Skinny, www.skinnycami.biz/files/ received by Applicant Aug. 24, 2010.
- Simplicity Lingerie Strap Camisole, Spanx, www.spanx.com/product/index.jsp?productid=3977353&cp=2992553.4015964&par . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Hide & Sleek Cami, Spanx, <http://web.archive.org/> . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Hide & Sleek Full Slip 18 Inch 060A, Spanx, www.herroom.com/Spanx-060A-Hide-Sleek-Full-Slip-18-Inch.shtml received by Applicant Aug. 24, 2010.
- Teez-Her The Skinny Tank, Teez-Her, www.essentialapparel.com/index.cfm/a/catalog.prodshow/vid/72638/catid/267/Teez . . . (URL is incomplete) received by Applicant Aug. 24, 2010.
- Cami-Rolls, <http://camiroolls.com/shop.shtml> received by Applicant Aug. 24, 2010.
- TummyTee, www.redefyne.com/tummytee.html received by Applicant Aug. 24, 2010.

Champion Seamless Empire Top with Built-In Sports Bra, Champion, www.championusa.com/Champion/Products/Women-Champion/Women_ShopByCa . . . (URL is incomplete) received by Applicant Aug. 24, 2010.

Cosabella Smooth BodysAPER Cami SHPE702, CosaBella, www.herroom.com/Cosabella-Shpe702-Smooth-BodysAPER-Cami.shtml received by Applicant Aug. 24, 2010.

Daisy Fuentes Slimming Camisole, Kohls, www.kohls.com/up-grade/webstore/product_page.jsp?PRODUCT%3C%3Eprd_id=8 received by Applicant Aug. 24, 2010.

582L Countouring Balconet Bra Cami-Long Torso, Dumi Shapewear, www.du-mi.com/store/product-info.php?pid12.html received by Applicant Aug. 24, 2010.

Very Precious, Great Glam, <http://greatglam.com/pd-very-precious.cfm> received by Applicant Aug. 24, 2010.

Sensual Charm, Great Glam, <http://greatglam.com/pd-sensual-charm1.cfm> received by Applicant Aug. 24, 2010.

Yalof Schwartz, Suze, "Too Busy for the Gym?" Glamour, www.glamour.com/fashion/blogs/slaves-to-fashion/2007/10/too-bus . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet approximately Oct. 2007.

Underwire Torso Trim, Sassybax, <http://webarchive.org/web/20071020033219/sassybax.com> received by Applicant Aug. 24, 2010, Page shown present on Internet on Oct. 20, 2007.

Nancy Ganz The Belly Band Convertible Bodybriefer 3313, Nancy Ganz, www.herroom.com/NancyGanz . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Nov. 25, 2007.

Spanx Hide & Sleek Full Slip 060A, Spanx, www.herroom.com/Spanx-Hide . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Nov. 1, 2001.

Spanx Hide & Sleek Cami 050, Spanx, www.herroom.com/Spanx . . . (URL is incomplete) received by Applicant Aug. 24, 2010, Page shown present on Internet on Oct. 30, 2007.

Collection of Photographs received by Applicant (submitted in 3 parts) on Dec. 8, 2010 received by Applicant Aug. 24, 2010.

Alleged Ann Mason Receipt; Nov. 26, 2006.

Declaration of Ann Mason; May 19, 2007.

Yummie Tummie and Maidenform Settle Patent Infringement and Invalidity Lawsuits, Fox News 44, PR Newswire (2011). <http://www.fox44now.com/story/15242333/yummie-tummie-and-maidenform-settle-patent-infringement-and-invalidity-lawsuits?clienttype=printable>—printed Aug. 12, 2011.

Maidenform Brands, Inc. Reports Second Quarter 2011 Results and Provides Guidance for Full Year 2011, News Releases—General News, Iselin, NJ—/PRNewswire via COMTEXT/ Aug. 10, 2011.

Associated Press, "Maidenform 2Q net income drops on settlement," Yahoo News (Aug. 10, 2011). <http://news.yahoo.com/maidenform-2q-net-income-drops-settlement-125621767.html>—printed Apr. 20, 2012.

* cited by examiner

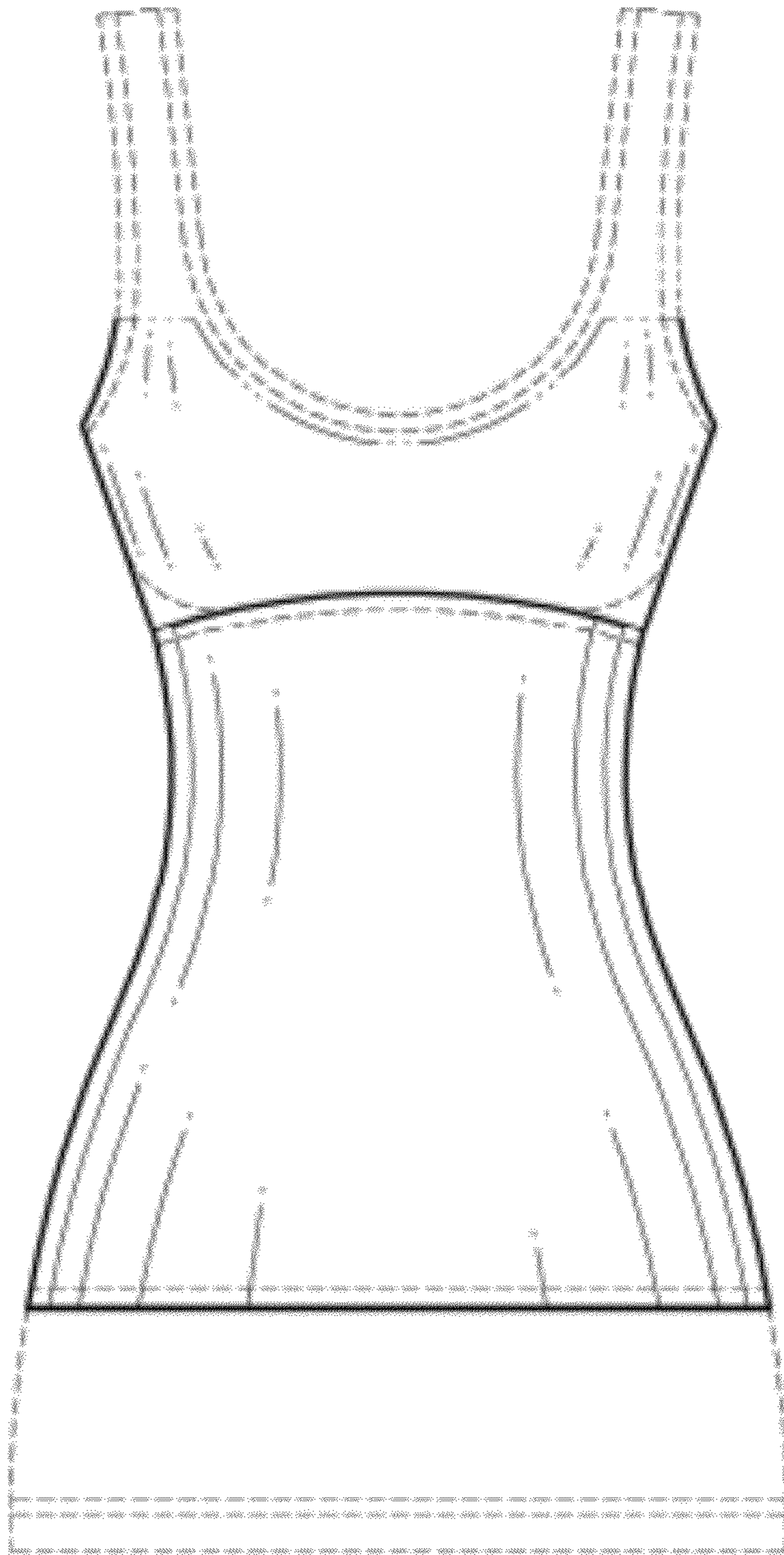


FIG. 1

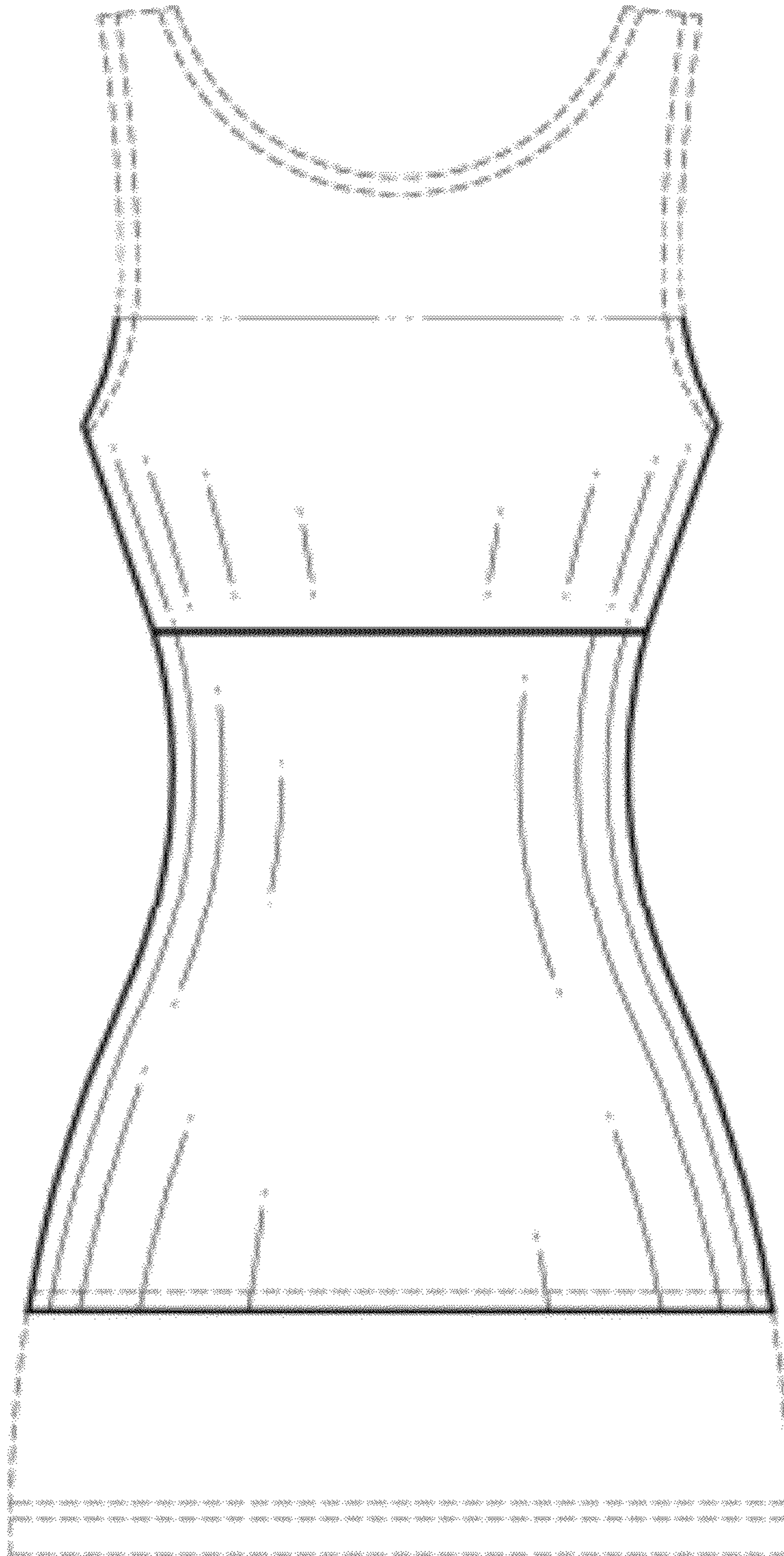


FIG. 2

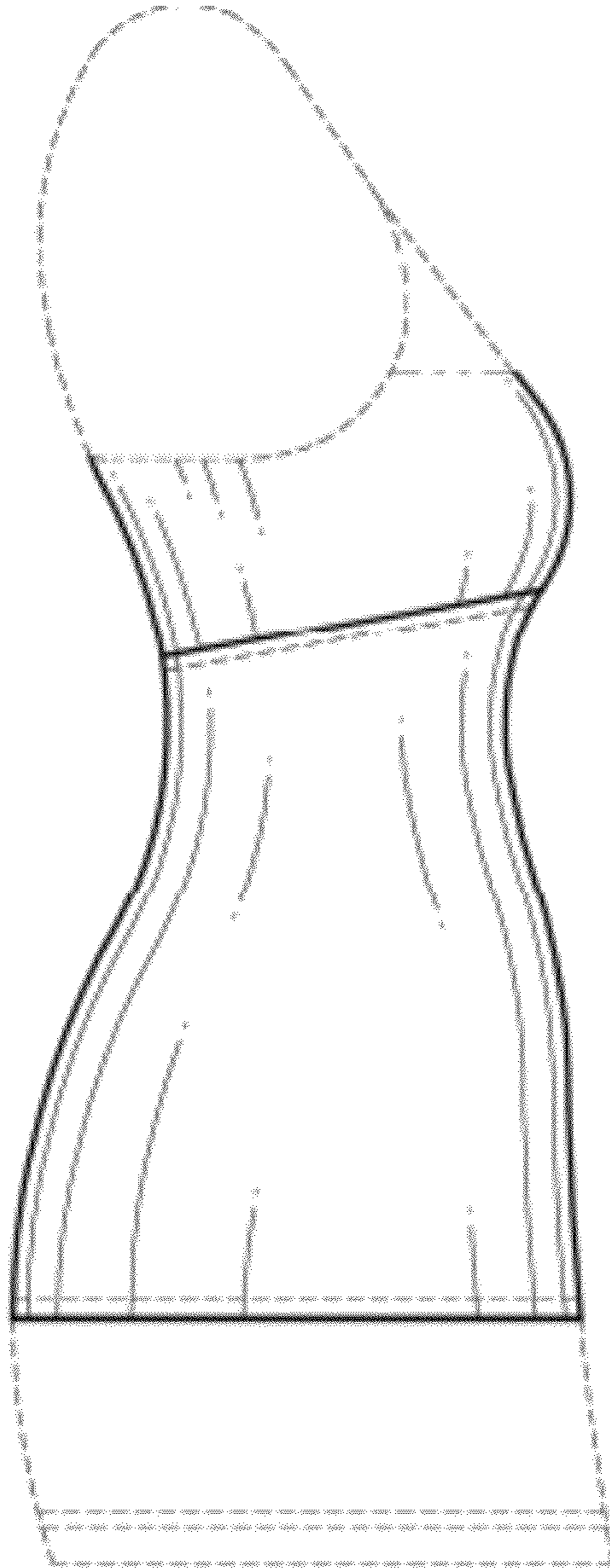


FIG. 3

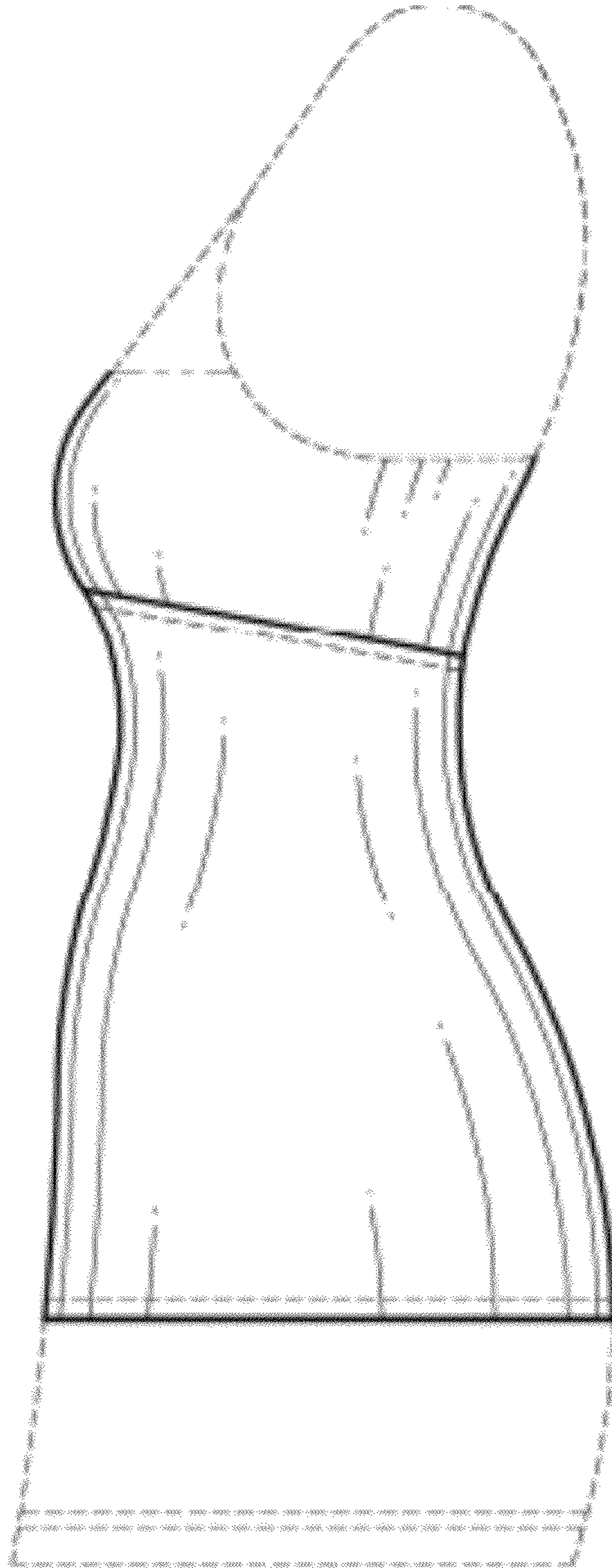


FIG. 4

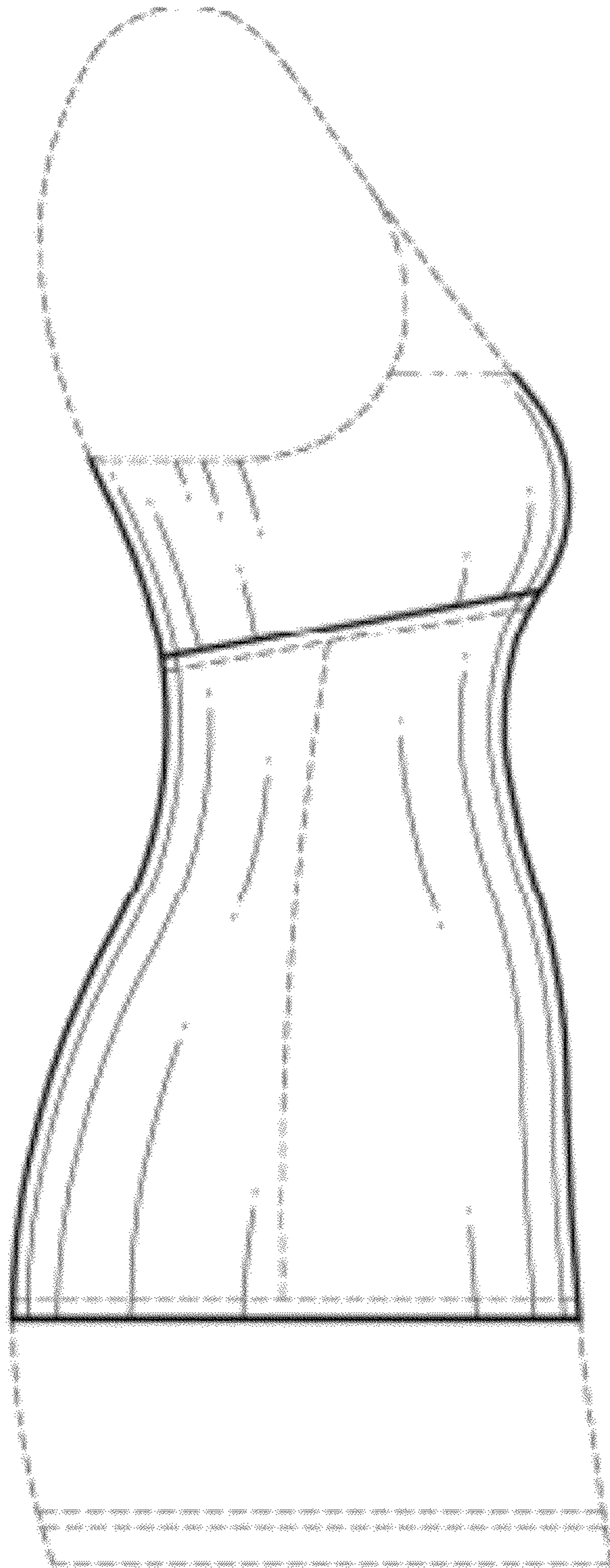


FIG. 5

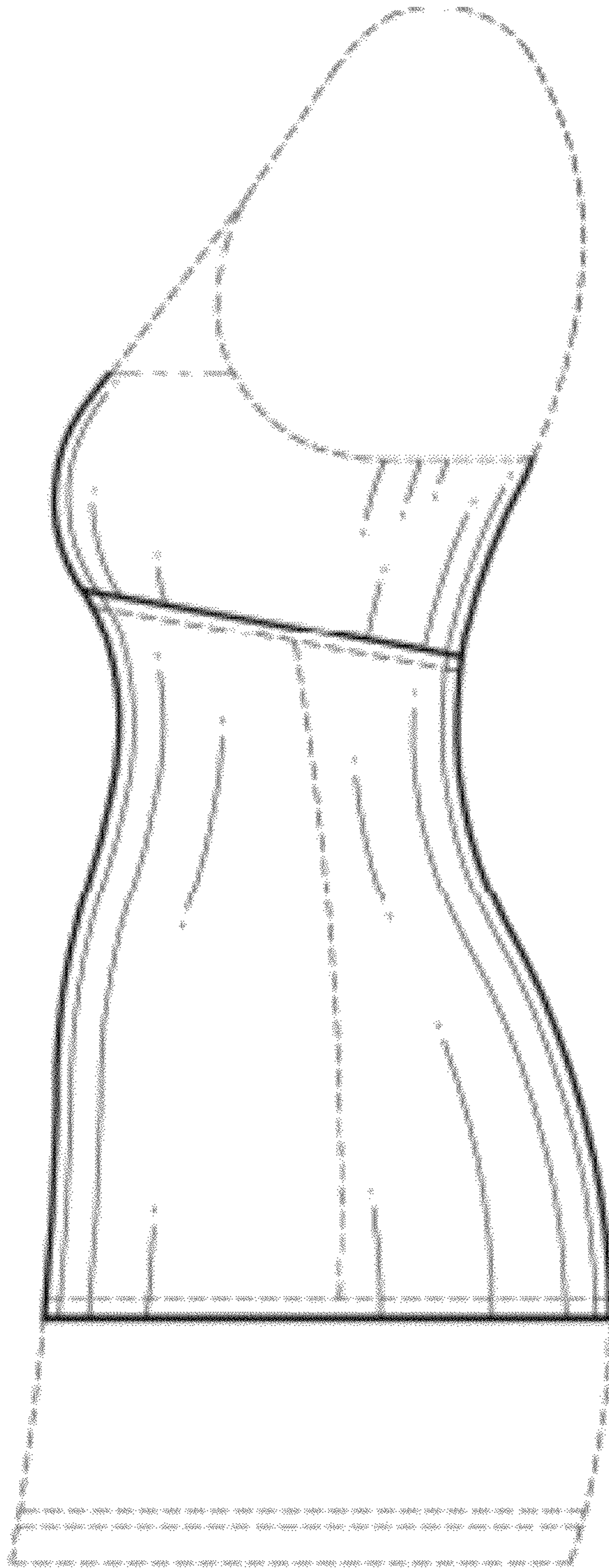


FIG. 6

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : D666,384 S
APPLICATION NO. : 29/392830
DATED : September 4, 2012
INVENTOR(S) : Heather Thomson Schindler

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page:

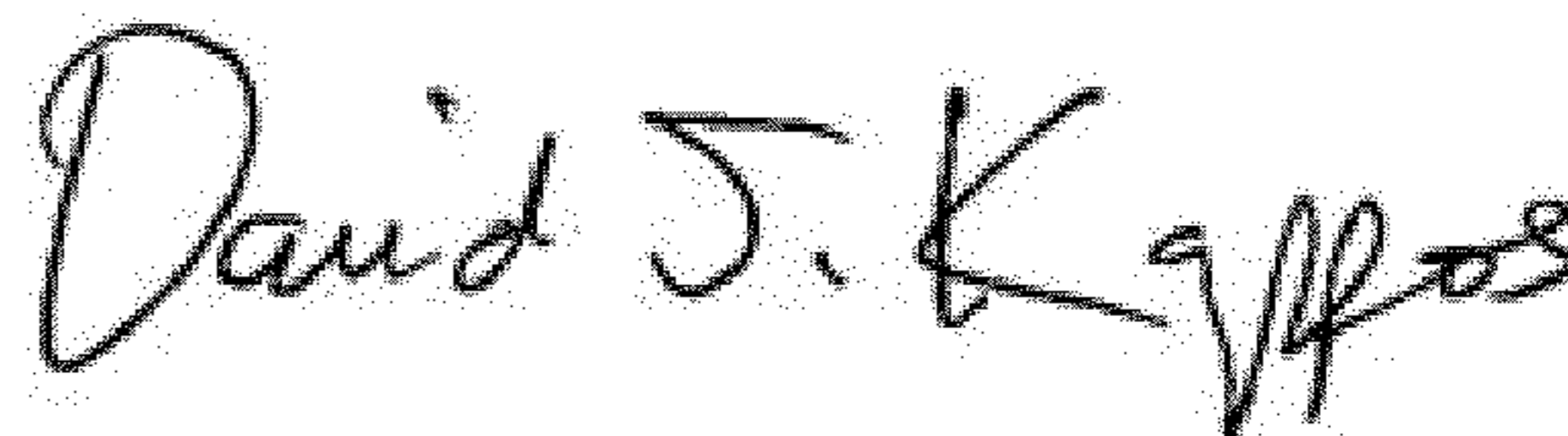
Change the following from:

“Continuation of application No. 29/350,290, filed on November 13, 2009, now abandoned, which is...”

to

-- Continuation of application No. 29/350,290, filed on November 13, 2009, now Pat. No. Des. 667,607, which is... --

Signed and Sealed this
Thirteenth Day of November, 2012



David J. Kappos
Director of the United States Patent and Trademark Office